

THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	CRIMINAL NO. 4:24CR141
	§	
THOMAS AQUINAS VANDENOEVER	§	

**REPORT AND RECOMMENDATION ON
DEFENDANT'S COMPETENCY TO STAND TRIAL**

Pursuant to 28 U.S.C. § 636(b) and the Local Rules for the United States District Court for the Eastern District of Texas, this criminal proceeding is before the undersigned United States Magistrate Judge.

On March 6, 2025, the court ordered that Defendant undergo a psychiatric examination pursuant to 18 U.S.C. § 4241 at an appropriate Bureau of Prisons facility and that a psychiatric report of findings consistent with 18 U.S.C. § 4247(b) be filed with the court. Defendant was subsequently evaluated by Dr. Lacie L. Biber. The court has received the report from the Bureau of Prisons, and copies have been furnished to the Assistant United States Attorney and defense counsel.

A competency hearing was conducted on July 8, 2025, before U.S. Magistrate Judge Aileen Goldman Durrett, during which the report was admitted. At the hearing, Defendant appeared in court with his counsel, Michael Wiss. Defendant was given the opportunity to present evidence and call witnesses. Defendant did not offer any witnesses or evidence. Moreover, Defendant did not present any objections to the report, including Dr. Biber's opinion on competency. The Government also did not object to the report findings.

Dr. Biber's report concludes that, "It is my opinion that while Mr. Vandenoever meets diagnostic criteria for adjustment disorder with anxious distress (and possibly attention-deficit/hyperactivity disorder), there do not appear to be any clinically significant barriers to his

competency at this time. He appears able to understand and appreciate the nature and consequences of the proceedings against him, and able to properly assist in his defense.” The undersigned has considered the report and concludes that Defendant is not mentally incompetent, is able to understand the nature and consequences of the proceedings against him, and is able to properly assist in his defense. Defendant has a rational and factual understanding of the proceedings against him and presently has sufficient ability to consult with his attorney while having a reasonable degree of rational understanding. 18 U.S.C. § 4241(d); see also Dusky v. United States, 362 U.S. 402 (1960).

RECOMMENDATION

For the foregoing reasons, the court recommends that Defendant be found competent to stand trial because he understands the nature and consequences of the proceedings against him and is able to assist in his defense. See 18 U.S.C. § 4241. It is further recommended that the speedy trial time be excluded from March 6, 2025 (the date the court ordered the competency evaluation), until the date on which the District Judge signs the order adopting this report and recommendation.

Defendant waived the right to object to the findings of the Magistrate Judge in this matter, and the Government also waived its right to object, so the court will present this Report and Recommendation to the District Judge for adoption immediately upon issuance.

SIGNED this 11th day of July, 2025.


AILEEN GOLDMAN DURRETT
UNITED STATES MAGISTRATE JUDGE